IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 3966 of 2007(V)

PETITIONER:

P.K.SANSILAVOS,
SALESMAN, KALLAMKUNNU SERVICE CO-OP. BANK
LTD. NO.R.314, H.O.KALLAMKUNNU,
P.O.NADAVARAMBA-680 661, THRISSUR DISTRICT.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

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1. KALLAMKUNNU SERVICE CO-OP. BANK
LTD. NO.R. 314, H.O.KALLAMKUNNU,
P.O.NADAVARAMBA, THRISSUR DISTRICT,
REP. BY ITS SECRETARY.

2. JOINT REGISTRAR OF CO-OP. SOCIETIES
(GENERAL), THRISSUR.

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 3966 of 2007 (V)

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Dated this the 6th day of February, 2007

J U D G M E N T

The writ petitioner is working as a Salesman under the first respondent Co-operative Bank. Because of lack of promotion, the writ petitioner and others have been sanctioned two higher grades as per G.O.(MS) No.7/96/Co-op, dated 25/01/1996 of the co-operative department. The writ petitioner submits that the first higher grade had been sanctioned on 27/01/1991 and the second higher grade from 27/04/2001. However, the first respondent had issued a communication, dated 17/01/2007, directing to recover an amount of Rs.78,594/- from the salary of the writ petitioner on the ground that there is an excess payment made, at the time of granting of the higher grade. On 20/01/2007, the writ petitioner made a representation requesting that, no amount be deducted from his salary, as the higher grades sanctioned were according to the entitlements. Therefore, the writ petitioner sought to stop the recovery.

2. I heard the learned counsel for the writ petitioner as well as the learned Senior Government Pleader. The representation dated 20/01/2007 contains the mode and details of the payments received by him.

3. After considering the facts at issue, I am of the opinion that an opportunity of hearing be given to the writ petitioner, before the recovery is effected from his salary. Therefore, I direct the second respondent, Joint Registrar to consider Exhibit P3 representation dated 20/01/2007 of the writ petitioner and pass orders, after hearing him as well as the first respondent Society, before the recovery of any amount as ordered, is effected from the salary of the writ petitioner.

4. Till the above representation of the writ petitioner is heard and finally disposed of, the order to recover the amount from the salary of the writ petitioner, will stand stayed.

This writ petition is closed as above.

(J.M.JAMES)
Judge

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